

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IREAN NEAL,

PLAINTIFF,

v.

Case No. 05-72183

JO ANNE B. BARNHART,
COMMISSION OF SOCIAL SECURITY,

Judge Sean F. Cox
Magistrate Judge Steven D. Pepe

DEFENDANT.

OPINION & ORDER
ACCEPTING REPORT & RECOMMENDATION

Plaintiff Irean Neal brought this action under 42 U.S.C. §405(g) and §1383(c)(3) to challenge a final decision of the Commissioner denying her application for Disability Insurance Benefits under Title II and Supplemental Security Income under Title XVI. Thereafter, both parties filed motions for summary judgment, which were referred to Magistrate Judge Steven D. Pepe pursuant to 28 U.S.C. §636(b)(1)(B) & (C). On June 26, 2006, Magistrate Judge Pepe issued a Report and Recommendation (“R&R”). Magistrate Judge Pepe’s R&R recommends that Defendant’s Motion for Summary Judgment be denied. It further recommends that Plaintiff’s Motion for Summary Judgment be granted and that this matter be remanded for further administrative proceedings consistent with the R&R.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within ten (10) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.* In this matter,

however, the record reflects that no objections to the R&R have been filed by either party.

Moreover, the Court agrees that a reversal and remand under sentence four of §405 is warranted under the circumstances presented here.

Accordingly, the Court accepts and adopts the June 26, 2006 R&R. Defendant's Motion for Summary Judgment is **DENIED** and Plaintiff's Motion for Summary Judgment is **GRANTED. IT IS FURTHER ORDERED** that the Administrative Law Judge's Decision is **REVERSED** and **REMANDED** for further administrative proceedings consistent with the R&R.

IT IS SO ORDERED.

S/Sean F. Cox
SEAN F. COX
UNITED STATES DISTRICT JUDGE

Dated: August 25, 2006

PROOF OF SERVICE

The undersigned certifies that the foregoing opinion and order was served upon counsel of record and the Social Security Administration via the Court's ECF System and/or U. S. Mail on August 28, 2006.

s/Jennifer Hernandez
Case Manager to
District Judge Sean F. Cox